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8 Attorneys for Plaintiff,
9 PHOENIX SOLUTIONS, INC.

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

13 PHOENIX SOLUTIONS, INC., a
14 California corporation,

15 Plaintiff,

16 v.

17 WELLS FARGO & COMPANY, a
18 Delaware corporation,

19 Defendant.

Case No. CV08-0863MHP

**PLAINTIFF PHOENIX
SOLUTIONS, INC.'S UNOPPOSED
MOTION FOR ADMINISTRATIVE
RELIEF UNDER CIVIL LOCAL
RULE 7-11**

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28 **UNOPPOSED MOTION FOR
ADMINISTRATIVE RELIEF**

CASE NO. CV08-0863 MHP

1 Phoenix Solutions, Inc. (hereinafter "Phoenix") hereby requests the Initial
2 Case Management Conference date be changed from May 5, 2008, to June 9, 2008.

3 On March 27, 2008, the Court scheduled the Initial Case Management
4 Conference for May 5, 2008. *See* Docket Entry 17. R. Joseph Trojan, Phoenix's
5 attorney, has been scheduled to serve as lead plaintiff's counsel on a jury trial set to
6 begin on May 5, 2008 in the Superior Court of California, County of Ventura. *See*
7 Declaration of R. Joseph Trojan ("Trojan Decl.") (¶ 2). The trial is estimated to last
8 for two to three weeks. *Id.* Although, there were hopes of settling the matter before
9 going to trial, it was confirmed on Friday, April 18, 2008, that the possibility of
10 settlement is now remote. *Id.*

11 On, Monday, April 21, 2008, an associate of Trojan Law Offices spoke with
12 opposing counsel regarding changing the date of the Initial Case Management
13 Conference. *See* Trojan Decl. (¶ 5). On, Tuesday, April 22, 2008, an associate of
14 Trojan Law Offices faxed to opposing counsel a proposed stipulation to change the
15 date of the Initial Case Management Conference. *See* Trojan Decl. (¶ 6). On,
16 Wednesday, April 23, 2008, counsel for Wells Fargo faxed a statement to the
17 Trojan Law Offices that Wells Fargo could not stipulate to changing the date
18 because Wells Fargo did not itself request the continued date, and a number of the
19 facts set out in the proposed stipulation and supporting documents were uniquely
20 within Phoenix's possession. *See* Trojan Decl. (¶ 7). However, Counsel for Wells
21 Fargo has informed Phoenix that Wells Fargo does not oppose continuing the Initial
22 Case Management Conference to Monday, June 9th, so long as counsel for both
23 parties personally appear at that Conference. *Id.*

24 There have not been other time modifications in this case. *See* Trojan Decl.
25 (¶ 3). Further, the requested time modification would not modify the schedule for
26 this case other than to change the date of the Initial Case Management Conference
27 from May 5, 2008 to June 9, 2008. *See* Trojan Decl. (¶ 4).

Respectfully submitted,

TROJAN LAW OFFICES

Date: April 23, 2008

/s/R. Joseph Trojan
R. Joseph Trojan
Attorney for Plaintiff,
PHOENIX SOLUTIONS, INC.

I hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/S/) within this e-filed document.

/s/R. Joseph Trojan
R. Joseph Trojan
Attorney for Plaintiff,
PHOENIX SOLUTIONS, INC.

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8 **Attorneys for Plaintiff,**
9 **PHOENIX SOLUTIONS, INC.**

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
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13 PHOENIX SOLUTIONS, INC., a
14 California corporation,

15 Plaintiff,

16 v.

17 WELLS FARGO & COMPANY, a
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19 Defendant.

Case No. CV08-0863MHP

**DECLARATION OF R. JOSEPH
TROJAN IN SUPPORT OF
PLAINTIFF PHOENIX SOLUTION,
INC.'S UNOPPOSED MOTION FOR
ADMINISTRATIVE RELIEF
UNDER CIVIL LOCAL RULE 7-11**

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27 **DECLARATION OF R. JOSEPH TROJAN**

CASE NO. CV08-0863 MHP

1 I, R. Joseph Trojan, declare as follows:

2 1. I am an attorney at law, duly licensed to practice law in the State of
3 California and the United States District Court for the Northern District of
4 California. I am the principal of the Trojan Law Offices, the attorneys of record for
5 Plaintiff, Phoenix Solutions, Inc. I have personal knowledge of the facts stated
6 herein. If called upon to do so, I could and would competently testify that:

7 2. I am scheduled to serve as lead plaintiff's counsel on a jury trial set to
8 begin on May 5, 2008. The trial is scheduled in the Superior Court of California,
9 County of Ventura. The trial is estimated to last for two to three weeks. There were
10 hopes of settling before going to trial but as a result of the last settlement
11 conference in the case held on Friday, April 18, 2008, it is now highly unlikely the
12 case will settle and I will be in trial on May 5, 2008.

13 3. There have not been other time modifications in this case.

14 4. The requested time modification would not modify the schedule for
15 this case other than to change the date of the Initial Case Management Conference
16 from May 5, 2008 to June 9, 2008.

17 5. On, Monday, April 21, 2008, an associate of Trojan Law Offices spoke
18 with opposing counsel regarding changing the date of the Initial Case Management
19 Conference.

20 6. On, Tuesday, April 22, 2008, an associate of Trojan Law Offices faxed
21 to opposing counsel a proposed stipulation to change the date of the Initial Case
22 Management Conference.

23 7. On, Wednesday, April 23, 2008, counsel for Wells Fargo faxed a
24 statement to the Trojan Law Offices that Wells Fargo could not stipulate to
25 changing the date because Wells Fargo did not itself request the continued date, and
26 a number of the facts set out in the proposed stipulation and supporting documents
27 were uniquely within Phoenix's possession. However, Counsel for Wells Fargo has

28 **DECLARATION OF R. JOSEPH TROJAN**

CASE NO. CV08-0863 MHP

1 informed Phoenix that Wells Fargo does not oppose continuing the Initial Case
2 Management Conference to Monday, June 9th, so long as counsel for both parties
3 personally appear at that Conference.

4 I declare under penalty of perjury under the laws of the United States that the
5 foregoing is true and correct. Executed on April 23, 2008, in Beverly Hills,
6 California.

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9 /s/R. Joseph Trojan

10 R. Joseph Trojan

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28 **DECLARATION OF R. JOSEPH TROJAN**

CASE NO. CV08-0863 MHP

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Case No. CV08-0863MHP

**PLAINTIFF PHOENIX
SOLUTIONS, INC.'S [PROPOSED]
ORDER**

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28 **[PROPOSED] ORDER**

CASE NO. CV08-0863 MHP

ORDER

This Court, having considered all papers in support thereof, and in opposition thereto, for good cause appearing, and all other matters of record presented before the Court or to which this Court may take judicial notice, does HEREBY GRANT THE MOTION AND ORDERS AS FOLLOWS:

THIS COURT HEREBY CHANGES THE DATE OF THE INITIAL CASE MANAGEMENT CONFERENCE FROM MAY 5, 2008, TO JUNE 9, 2008.

Date: _____

The Honorable Marilyn Hall Patel
UNITED STATES DISTRICT JUDGE

TROJAN LAW OFFICES
BEVERLY HILLS